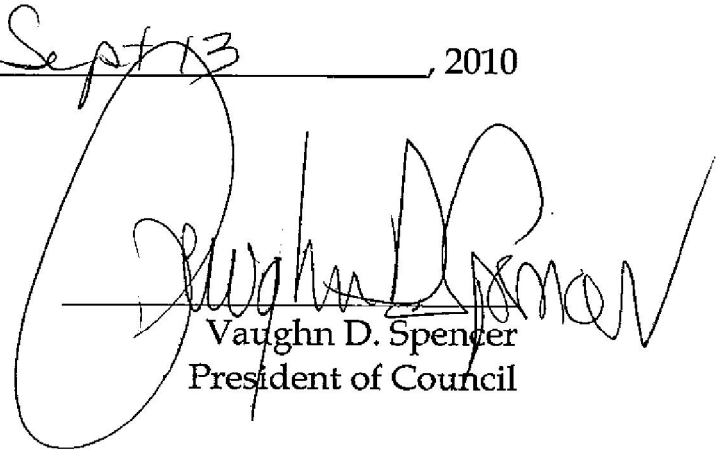


RESOLUTION NO. 83. 2010

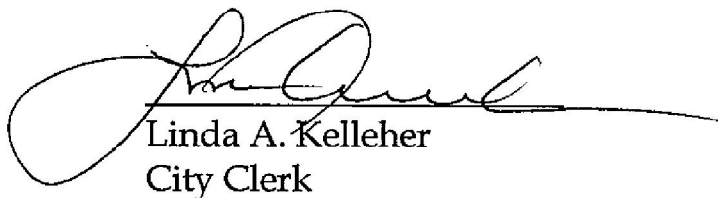
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

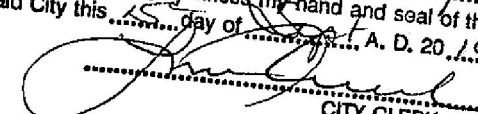
Approving the Conditional Use application submitted by Pennsylvania
American Water for a public utility at 501 South 19th Street with conditions as
expressed in the attached decision

Adopted by Council Sept 13, 2010


Vaughn D. Spencer
President of Council

Attest:


Linda A. Kelleher
City Clerk

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
Resolution passed by the Council of the City of
Reading, on the 13 day of Sept
A. D. 20 10. Witness my hand and seal of the
said City this 15 day of Sept A. D. 20 10

CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
PENNSYLVANIA AMERICAN WATER: OF THE CITY OF READING,
CO FOR A CONDITIONAL USE : PENNSYLVANIA
RELATIVE TO THE PROPERTY
LOCATED AT 501 SOUTH 19th :
STREET, READING, BERKS COUNTY :
PENNSYLVANIA : CONDITIONAL USE
: CONVERSION TO
: A PUMPING STATION
:

**DECISION OF THE CITY OF READING
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

AND NOW, this 13th day of September, 2010, hearing have been held on August 24, 2010, upon the application of Pennsylvania American Water Co., for a Conditional Use to operate as a Public Utility in a R-3 Zoning District, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. The Applicant is Pennsylvania American Water Co., "Applicant" with a registered address of 800 Hershey Park Drive, Hershey, PA 17033.
2. Applicant is the fee simple owner of the property of 501 South 19th Street at the time of application and at the time of the hearing.
3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").

4. Applicant is seeking a Conditional Use for a public utility the City of Reading Zoning Ordinance per §27-1203.6 to convert an old church building into a pumping station.

5. The Applicant testified at the hearing that the subject property was converted into a pumping station on or before 1999 when the property was owned by Citizens Water. The applicant became the owner of the subject property when it purchased it from Citizens Water in 2002.

6. Applicant testified that the Subject Property is an unmanned facility that is monitored 24 hours per day by a SCADA system. The system is checked one or two times per week by someone employed by the Applicant.

7. Applicant testified that the Subject Property has one off-street parking space and that the façade of the property still fits within the style of the surrounding residential properties.

8. Applicant testified that they were not informed of the need to obtain a conditional use permit when the property was originally converted or after they became the sole owner of the property.

9. Applicant became aware of the need for a Conditional Use when it sought to upgrade the system and building.

10. Applicant testified that the building is code compliant; however, Applicant admitted upon questioning by the Legal Specialist that there had been no inspections and upgrades would be required for any updates to the system as identified by the City Fire Marshal via correspondence issued to the Applicant in a letter.

11. Applicant repeatedly testified that they would permit a full inspection and make the building compliant with all applicable codes if the conditional use permit is approved and issued.

12. Applicant agreed to condition of compliance with all applicable Building, Trades and Fire Codes.

13. Applicant testified that they are seeking a conditional use permit to resolve the lack of a permit since the facility began operating in 1999 and a permit for the expansion of pumping stations output.

14. Zoning Code Section 27-1203 (6) requires screening, fencing and buffering of public utility buildings and facilities. The Applicant testified that due to the odd shape of the parcel and the location of the facility, it is impossible to undertake further screening, fencing and buffering. However, the Applicant did agree to install additional landscaping and repair the fence located at the rear

of the property and consider adding landscaping features to beautify the property.

15. The City of Reading Planning Commission recommended approval of the Conditional Use application.

16. The City of Reading Zoning Administrator testified she no issues or concerns with the project if approved as a Conditional Use.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to operate a public utility by utilizing a building located at 501 South 19th Street previously converted to a pumping station. The building is located in a R3 zoning district. The City of Reading Zoning Ordinance §27-1203.6 Public Utilities provides that the following standards are met:

- A. The use shall be licensed by the Pennsylvania Public Utilities Commission.
- B. The proposed installation in a specific location is necessary for efficient service to the public in the neighborhood or area in which the particular use is to be located.
- C. The design of any building in connection with such a facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights.
- D. Approved fencing and other security devices shall be provided.
- E. A buffer strip 10 feet in width and screening are provided and shall be continually maintained in accordance with Part 14 of this Chapter.
- F. Adequate off-street parking is provided.
- G. All area yard and building coverage requirements of the zoning district in which the use is located shall be met.

CONCLUSIONS OF LAW

- 1. The Subject Property is located in the R-3 Zoning District.
- 2. Hearing was held on August 24, 2010.
- 3. Applicant requests a Conditional Use to operate a public utility utilizing a converted existing building for a pumping station that will provide water service to communities located in Southeastern Berks County.
- 4. The burden of proof in an application for a Conditional Use is upon the Applicant.

5. City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.

6. The requirements for a public utility as a Conditional Use in an R-3 Zoning District are set forth in §27-1203.6 of the City of Reading Zoning Ordinance.

7. In order to grant the relief, Applicant must show that it has satisfied §27-1203.6 of the City of Reading Zoning Ordinance and met the conditions applied by City Council.

8. At the hearing, Applicant failed to provide documentation relating to their licensure, but promised to supply documentation that will be attached to the record.

9. Applicant did not file an application for other relief from the Zoning Hearing Board for the City of Reading.

10. Applicant did provide sufficient proof that the existing facility conforms to the general character of other properties in the neighborhood and will not adversely affect the safety of the affected property owners. Applicant also provides off-street parking for employees who visit the subject property for inspection purposes.

11. Applicant agreed to comply with the City Building, Trades and Fire Codes and comply with the conditions applied by City Council.

DECISION

After reviewing the Applicant's request in detail and hearing testimony, City Council enters the following decision:

The application for a conditional use permit at 501 S 19th Street is hereby approved for Pennsylvania American Water Co after the following occurs:

1. Applicant will provide a copy of the letter issued by the City of Reading Fire Marshall to the City of Reading Zoning Office.
2. Applicant will provide a copy of the PUC licensure documentation
3. Applicant will open the subject property for a full inspection by the City Building and Trades Division and Fire Department, will make all the required corrections and repairs mandated by the inspections, and

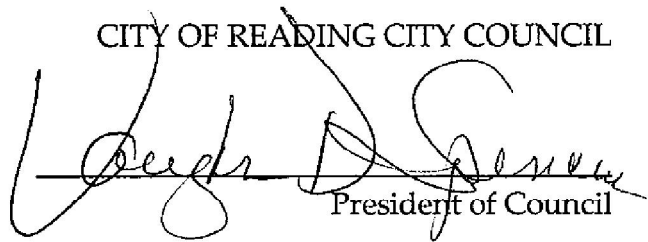
will open the subject property for regular inspections as deemed necessary by the City of Reading.

4. Applicant will repair or replace the existing fence along the boundary line of the parcel with like material.
5. Applicant will install additional landscaping and or shrubbery to provide screening and to beautify the property.

The City of Reading City Council orders the above conditions to occur within six (6) months of the date this decision is approved.

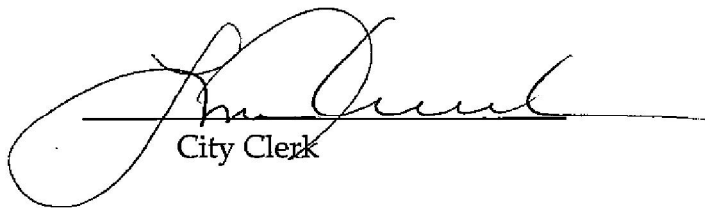
This is the decision of the City of Reading City Council by a vote of 7 to 0.

CITY OF READING CITY COUNCIL



President of Council

Attest:



City Clerk